

Exhibit 5

United States of America
United States Patent and Trademark Office

KUNG FU TEA

Reg. No. 4,497,687

Registered Mar. 18, 2014

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

KF TEA USA INC. (NEW YORK CORPORATION)
34-36 56TH STREET
WOODSIDE, NY 11377

FOR: RESTAURANT SERVICES FEATURING NON-ALCOHOLIC DRINKS, BEVERAGES,
PASTRIES, AND CONFECTIONS, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 4-30-2010; IN COMMERCE 4-30-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,961,011.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TEA", APART FROM THE
MARK AS SHOWN.

SER. NO. 86-029,382, FILED 8-5-2013.

BARNEY CHARLON, EXAMINING ATTORNEY



Nichelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Generated on: This page was generated by TSDR on 2023-12-12 11:01:01 EST

Mark: KUNG FU TEA

KUNG FU TEA

US Serial Number: 86029382

Application Filing Date: Aug. 05, 2013

US Registration Number: 4497687

Registration Date: Mar. 18, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Nov. 11, 2020

Publication Date: Dec. 31, 2013

Mark Information

Mark Literal Elements: KUNG FU TEA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "TEA"

Related Properties Information

Claimed Ownership of US Registrations: 3961011

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Restaurant services featuring non-alcoholic drinks, beverages, pastries, and confections

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 30, 2010

Use in Commerce: Apr. 30, 2010

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: KF Tea USA Inc.

Owner Address: 589 Eighth Avenue, 17th Floor
New York, NEW YORK UNITED STATES 10018

Legal Entity Type: CORPORATION

State or Country: NEW YORK
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Matthew D. Asbell

Docket Number: 0565-26.12

Attorney Primary Email Address: trademarks@offitkurman.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Matthew D. Asbell
Offit Kurman, P.A.
590 Madison Avenue, 6th Floor
New York, NEW YORK UNITED STATES 10022

Phone: 9294760048

Fax: 212.545.1656

Correspondent e-mail: trademarks@offitkurman.com matthew.asbell@offitkurman.com alison.pratt@offitkurman.com tom.pi-tegoff@offitkurman.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 18, 2023	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 14, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 14, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 14, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 14, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 14, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 11, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 11, 2020	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Nov. 11, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Sep. 18, 2020	TEAS SECTION 8 & 15 RECEIVED	
Mar. 18, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Nov. 17, 2017	COUNTERCLAIM OPP. NO. 999999	236933
Mar. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 31, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 31, 2013	PUBLISHED FOR OPPOSITION	
Dec. 11, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 22, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 18, 2013	ASSIGNED TO EXAMINER	71994
Aug. 13, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Aug. 08, 2013	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 104

Date in Location: Nov. 11, 2020

Proceedings

Summary

Number of 1
Proceedings:

Type of Proceeding: Opposition

Proceeding Number: [91236933](#)

Filing Date: Sep 28, 2017

Status: Terminated

Status Date: Jun 03, 2018

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Wing-Yu Ng

Correspondent Address: PATRICK R COLSHER
SHEARMAN & STERLING LLP
599 LEXINGTON AVE
FLUSHING NY UNITED STATES , 10022

Correspondent e-mail: andrewmalaw@gmail.com , ndrwma@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
KUNG FU CHEF		87406993	

Plaintiff(s)

Name: KF Tea USA Inc.

Correspondent Address: CHIA-YU CHANG
CHIA-YU CHANG @ LAW PC
315 W 70TH ST #12L
NEW YORK NY UNITED STATES , 10023

Correspondent e-mail: cychang@cychanglaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
KUNG FU TEA		85075650	3961011
KUNG FU TEA		86029382	4497687
KUNG FU TEA		86029401	4510162
KUNG FU TEA		86060777	4857505
KUNG FU TEA		86060792	4857506
KUNG FU TEA		86060831	4857507

Prosecution History

Entry Number	History Text	Date	Due Date
19	P PROOF OF SERVICE	Jun 04, 2018	
18	TERMINATED	Jun 03, 2018	
17	BD DECISION: DISMISSED W/O PREJ	Jun 03, 2018	
16	W/DRAW OF APPLICATION	Jun 01, 2018	
15	W/DRAW OF COUNTERCLAIM	Jun 01, 2018	
14	STIP ABANDONMENT OF APP/WD OF CC/WD OF OPP	Jun 01, 2018	
13	SUSPENDED	May 03, 2018	
12	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Apr 30, 2018	
11	SUSPENDED	Mar 07, 2018	
10	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Mar 05, 2018	

9	EXTENSION OF TIME GRANTED	Jan 19, 2018	
8	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 02, 2018	
7	EXTENSION OF TIME GRANTED	Dec 07, 2017	
6	P MOT FOR EXT W/ CONSENT	Dec 07, 2017	
5	TRIAL DATES RESET	Nov 09, 2017	
4	ANSWER AND COUNTERCLAIM (FEE)	Nov 07, 2017	
3	PENDING, INSTITUTED	Sep 28, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 28, 2017	Nov 07, 2017
1	FILED AND FEE	Sep 28, 2017	